

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING MONDAY, DECEMBER 15, 2014 6:30 P.M.

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL - CITY CLERK**
3. **INVOCATION AND PLEDGE TO THE FLAG:**
 - A. **Invocation Presented by Commissioner Nabicht – Bishop J. L. Monroe, All Nations Christian Center.**
4. **APPROVAL OF MINUTES & AGENDA:**
 - A. **Approval of Minutes – Special City Commission Meeting of November 10, 2014 and Regular City Commission Meeting of November 17, 2014.**

The Commission voted unanimously to approve the minutes of the Special City Commission Meeting of November 10, 2014 and Regular City Commission Meeting of November 17, 2014.
 - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
 - A. **Presentation – Super Star Students of the Month Certificates for November, 2014.**
6. **CITY COMMISSION SPECIAL REPORTS:**
7. **PUBLIC FORUM – Citizen comments for any items.
(4 minute maximum length)**

CONSENT AGENDA:

All items marked with an * will be considered by one motion unless removed from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

8. CONSENT AGENDA:

A. Request for approval of Facility Use Agreement for Michael Abrams, Okinawan Martial Arts of Florida LLC.

Michael Abrams, Principal/Owner Agent, Okinawan Martial Arts of Florida, LLC, (OMA) has had a Facility Use Agreement with the City of Deltona for a number of years. Classes have been conducted on Monday, Wednesday, and Friday from 3:30- 7:30 PM and on Saturdays from 10:00 AM to 1:00 PM. In addition, on Tuesdays OMA has offered a free, no charge special needs class from 4:00 to 6:00 PM. Typically, Michael Abrams has had anywhere from 45-53 students in his classes.

OMA is a For Profit Organization and would be responsible for paying Category III Facility Use Fee of \$ 25.00 per hour, less 20% discount for entering into a long term Facility Use Agreement with the City.

OMA is requesting the City Commission consider, in lieu of the standard fee rate, which was previously Commission Approved/agreed upon amount of \$ 300.00 annually or \$ 2.00 per student not to exceed \$ 25.00 per month. OMA currently operates their program seasonally (winter, spring, summer, and fall). Each student pays a fee for 3 months to attend the class/session. In lieu of the \$ 25.00 per month, staff is requesting OMA pay a rate of \$ 75.00 per month, beginning, 1 May 2015, in exchange for use of the Wes Crile Park Meeting Room Facility to offer classes and conduct a Community based martial arts program for the youth in the City of Deltona.

Staff recommends a one (1) year Facility Use Agreement with this organization.

After discussion, the Commission voted unanimously to send the Facility Use Agreement back to staff to work out.

B. Request for approval of Facility Use Agreement for Kurt Collis Tennis For Life, Inc.

Kurt Collis Tennis for Life, Inc., is a non-profit organization set up to make a positive impact in lives through Tennis. The organization has been teaching in the Community since 2003 and after eleven years of training and playing the Florida United States Tennis Association circuit. Kurt saw the need for local programs of excellent quality. He wanted a fun-based approach of instruction and development for everyone three years of age and up. Kurt Collis is committed to directing outstanding and successful programs for all ages.

Kurt Collis Tennis for Life, Inc. offers similar programs in the City of DeBary, City of Deland, and Victoria Park, and would love to start a program here in

Deltona at Wes Crile Park. Kurt Collis Tennis for Life, Inc. offered a free Tennis Day on November 22, 2014 at Wes Crile Park Tennis Courts. Kurt Collis Tennis for Life plans to provide scholarships and tennis programs to those with a passion to learn and play tennis, the sport of a lifetime. He plans to make tennis available to everyone regardless of resources, and at the same time, creates leaders with life skills and passion to do anything they desire. His goal goes beyond the courts; it is to make an impact and positive change in the lives of millions-physically and mentally.

Due to the fact that this is a new program to the City of Deltona, Kurt Collis Tennis for life, Inc. will be responsible to pay the City 20% of the total income, but not to exceed \$ 25.00 per month for the first year. Kurt plans for the first year to offer classes on Saturday's, and see what interest is there and which days could work for the residents of Deltona. The goal is to grow the program over time and offer a positive change in the Community.

Kurt Collis Tennis for Life, Inc. has met the criteria requirements for a long term facility use agreement with the City. Staff has discussed the terms of this agreement and both parties are in agreement to move forward at this time. Staff recommends a one (1) year agreement, and may be renewed yearly up to a total of three (3) additional years, upon written acceptance by the City prior to each successive renewal.

After discussion, the Commission voted unanimously to send the Facility Use Agreement back to staff to work out.

***C. Resolution No. 2014-37, Initial Assessment Resolution for the creation of the London Ave & Weldon Ct Street Lighting District.**

The City has received a petition requesting the creation of a new Street Lighting District for Coachman Drive. The petition bears thirteen (13) signatures representing 54% of the property within the proposed boundaries. The proposed District will include the installation of nine (9) 100 watt roadway/cobrahead street lights on existing overhead distribution poles. Twenty-Four (24) platted lots of approximately equal size exist within the proposed street lighting district. The estimated annual charge per platted lot for the first year is \$87.11. The estimated annual charge per platted lot for the second and subsequent years is \$37.04. This equates to \$2,090.52 the first year and \$888.84 in subsequent years.

The City shall incur the initial cost with reimbursement through the non-ad valorem tax assessment on the property owners within the area described.

Approved by Consent Agenda - to adopt Resolution No. 2014-37, creating the London Avenue at Weldon Court Street Lighting District, and to schedule the Public Hearing.

***D. Request for approval to submit the Program Year 2013-2014 CDBG Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD).**

The CAPER is a summary of activities accomplished under Title 24 of the Federally-funded Community Development Block Grant (CDBG) program that is administered by the City's Planning and Development Services Department. The report is submitted in accordance with regulations governing consolidated submissions for community planning and development projects (24 CFR 91.520) and CAPER requirements. The purpose of the CAPER is to report the City's use of HUD grant funds for the various activities and projects conducted during a program year (PY). The majority of the activities and projects included park improvements, affordable housing rehabilitation, and public services.

The CAPER ties into the CDBG Five-Year Consolidated Plan (CP) that establishes strategic goals for City CDBG activities and is divided into Annual Action Plans (AAP). The current CP is for PY13-17 and, every year, the AAP is updated to report the implementation of the CP. The CAPER consists of narratives and tables that describes the progress toward expending grant funds and highlights efforts made by the City to improve the quality-of-life for our residents. Finally, in accordance with the required citizen participation plan, the City has observed a 15 day comment period and no comments were received either verbally or in writing.

Approved by Consent Agenda - to approve the Program Year 2013-2014 CDBG CAPER, and transmit the CAPER to HUD, as required.

9. ORDINANCES AND -PUBLIC HEARINGS:

A. Ordinance No. 29-2014, Future Land Use Map and policy amendment for ±22.8 acres from Agricultural Resource (County) to Low Density Residential (City) (CP14-001); at first reading.

This property was annexed into the City of Deltona on November 1, 2004, through adoption of Ordinance No. 25-2004. The Volusia County designations of Agricultural Resource (land use) and A-1 (zoning) were retained. On May 21, 2014, the City received a Future Land Use Map amendment application to change the designation on ±22.8 acres from Agricultural Resource to Low Density Residential (0-6 units per acre); which will add a corresponding policy amendment (listed below). The applicant is proposing a maximum density cap of two (2) dwelling units per acre; or up to 45 units that can be developed on-site.

On November 19, 2014, the Planning and Zoning Board (Board) heard the proposed amendment application and voted to recommend that the City Commission approve Ordinance No. 29-2014. The proposed amendment includes adding Policy FLU4-1.2 to the Future Land Use Element of the Comprehensive

Plan that limits density on Parcel [30-18-32-00-00-0050](#). This policy would be similar to the density limitation policy placed on the adjacent property in Policy FLU4-1.1. Proposed Policy FLU4-1.2 is provided, as follows:

"The property covered by ordinance number 29-2014 is designated as Low Density Residential. The gross density on the subject parcel will be limited to 45 dwelling units."

After discussion, the Commission voted unanimously to approve Ordinance No. 29-2014, to change the Future Land Use designation on the ±22.8 acre site from Volusia County Agriculture Resource to City of Deltona Low Density Residential, to add Future Land Use Element Policy FLU4-1.2 to the Comprehensive Plan, and to transmit the application to the Volusia Growth Management Commission and the Florida Department of Economic Opportunity; at first reading.

B. Ordinance No. 34-2014, Firefighter Pension, at first reading and to schedule second and final reading for January 5, 2015.

The Firefighter's Pension Board requested that Ordinance No. 34-2014 be presented to the City Commission for 1st reading on Monday, December 15, 2014 and to schedule second and final reading for Monday, January 5, 2015.

After discussion, the Commission voted 5 to 1 (Commissioner Nabicht abstained from the vote and Commissioner Soukup voted against the motion) to approve Ordinance No. 34-2014, at first reading and to schedule second and final reading after the Ordinance has been approved by the Pension Plan members and after it has been approved by the State of Florida for use of insurance premium funds.

C. Resolution No. 2014-41, Amendment to the SHIP 2013-2016 Local Housing Assistance Plan (LHAP) for the Owner Occupied Rehabilitation Strategy.

The City of Deltona is a recipient of State Housing Initiatives Partnership (SHIP) funds from the Florida Housing Finance Corporation and is required to implement a Local Housing Assistance Plan (LHAP). The LHAP establishes six (6) affordable housing strategies that promote affordable housing opportunities within the City. The LHAP strategies range from down-payment assistance to the provision of multi-family rental units. The City operates those strategies that are applicable to our community.

Within the last few years, the majority of funds were spent on owner-occupied rehabilitation, as the area of greatest need for the community. This strategy involves the repair of existing occupied homes, where their owners cannot afford to perform large-scale maintenance activities, such as roof repair, interior upgrades for life-safety issues, new HVAC systems, replaced septic systems, new

hot water heaters, etc. This effort has also reduced the potential for neighborhood blight and provides the ability for an owner to remain in their home longer.

The program is need-based, with income qualification to participate, in high demand, efficient to operate, and typically has direct tangible benefits to homeowners. Based on these factors, staff recommends that the LHAP be amended, as follows:

- 1. Increase repair assistance awards from \$25,000 to \$30,000 to adjust for increases in the cost of construction. The award will be administered as a 15 year lien on the home, which will sunset after that period. If the home is sold before the sunset period, the owner will be responsible for paying the City back the amount of money invested into the home through owner occupied rehabilitation, with zero interest on the lien. The recaptured lien money can be used to engage in other rehabilitation projects.*
- 2. Elimination of repair grants, which are associated with an outright grant of \$9,999.99. Homeowners that receive grants are not responsible for paying back any of the money invested in a dwelling. While initially the repair grant concept was designed to be efficient, it resulted in more time spent administering the grant for less money applied, numerous change orders, and lost program income for continued affordability.*
- 3. Re-prioritization of rehabilitation activity. The owner occupied rehabilitation strategy intent is not to make-over a home. The funds are intended to address life-safety home repair matters. The suggested priority of repair would be for Code compliance, roofing, septic tank/drain field, and HVAC systems.*
- 4. Add caveat language to the LHAP. Since there are homes that have not been maintained for many years and have deteriorated to a point where rehabilitation is not feasible, language has been added to indicate that an estimate exceeding \$30,000 will not be eligible for owner-occupied rehabilitation.*

Finally, the Affordable Housing Advisory Committee (AHAC) reviewed the proposed LHAP changes at their November 18, 2014, meeting and recommended approval by the City Commission. If approved by the City Commission, the final draft version of the LHAP will be transmitted to the Florida Housing Finance Corporation for their review and approval. The City of Deltona is a recipient of State Housing Initiatives Partnership (SHIP) funds from the Florida Housing Finance Corporation and is required to implement a Local Housing Assistance Plan (LHAP). The LHAP establishes six (6) affordable housing strategies that promote affordable housing opportunities within the City. The LHAP strategies range from down-payment assistance to the provision of multi-family rental units. The City operates those strategies that are applicable to our community.

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After discussion, the Commission voted unanimously to approve Resolution No. 2014-41, amending the City of Deltona SHIP Local Housing Assistance

Plan for the Owner Occupied Rehabilitation Strategy; and to submit the LHAP to the Florida Housing Finance Corporation for review and approval.

10. OLD BUSINESS: None.

11. NEW BUSINESS:

A. Consideration of appointment of seven (7) members to the Parks and Recreation Advisory Committee.

The Parks and Recreation Advisory Committee members' term expire on December 31, 2014. All the below listed seven (7) members wish to be re-appointed:

- *Jimmie Stone (Mayor)*
- *Nathan D. Johnson (Commissioner Barnaby)*
- *Maribel Montanez (Commissioner Herzberg)*
- *Julio De Leon (Vice Mayor Schleicher)*
- *Lonnie Wilson (Commissioner Soukup)*
- *Bernice Ludvick (Commissioner Nabicht)*
- *Krista Ferguson (Commissioner Honaker)*

The City has run press releases and posted the openings on D-TV, the City's WebPage and bulletin boards. To date, the City has received new application(s) from:

- *Joshua Baker*
- *Eric James*
- *Helen Pereira*
- *Patricia Ulicny*

After discussion, the Commission voted unanimously to confirm the appointment or re-appointment of the following individuals Jimmie Stone, Helen Pereira, Nathan D. Johnson, Maribel Montanez, Julio De Leon, Bernice Ludvick and Lonnie Wilson to the Parks and Recreation Advisory Committee for a term to expire on December 31, 2015.

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. CITY COMMISSION COMMENTS:

15. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with

respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.